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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/527,721

10/20/2005

Martin Brodt

3926.144

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30448

7590

02/21/2008

AKERMAN SENTERFITT

P.O. BOX 3188

WEST PALM BEACH, FL 33402-3188

EXAMINER

YANG, JIE

ART UNIT

PAPER NUMBER

1793

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/527,721	<b>Applicant(s)</b> BRODT ET AL.	
	<b>Examiner</b> JIE YANG	<b>Art Unit</b> 1793	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/27/2007; 8/18/2006</u> .                                    | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

Regarding the non patent literature documents listed in last page of IDS marked 08/27/2007, they are not considered and marked out from present information disclosure statement (IDS) complying with 37 CFR 1.98 because there are no corresponding English translation abstracts. 37 CFR 1.98(a)(2) requires a legible copy of: (1) each foreign patent; (2) each publication or that portion which caused it to be listed; (3) for each cited pending U.S. application, the application specification including claims, and any drawing of the application, or that portion of the application which caused it to be listed including any claims directed to that portion, unless the cited pending U.S. application is stored in the Image File Wrapper (IFW) system; and (4) all other information, or that portion which caused it to be listed. In addition, each IDS must include a list of all patents, publications, applications, or other information submitted for consideration by the Office (see 37 CFR 1.98(a)(1) and (b)), and MPEP § 609.04(a), subsection I. states, "the list ... must be submitted on a separate paper." Applicant is advised that the date of submission of any item of information or any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the IDS, including all "statement" requirements of 37 CFR 1.97(e). See MPEP § 609.05(a).

### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent

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granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1, 6, 10-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Tjoelker et al (US 6,918,224 B2, thereafter US'224).

Regarding claims 1 and 11, US'224 teaches a process for forming a vehicle component comprising the steps of cold forming unhardened steel into a workpiece having mounting surfaces; selectively fixturing the mounting surfaces; static induction heating the workpiece with lengthwise surface eddy currents on selected portions; followed by quenching of the fixtured heated workpiece to form strengthened portions; and unfixturing the resulting components (Abstract of US'224), which read on the limitations of process steps (I) to (IV) as recited in the instant claim 1. The vehicle component application reads on the limitation of claim 11.

Regarding claim 6, US'244 teaches the induction heat treating the steel results in achieving ultra high tensile strength, which means the alloy of US'244 is an air-hardened steel alloy.

Regarding claims 10, US'224 teaches using induction heat to treat the steel (Fig. 1-5 and Col.4, line 53 to col.5, line 20 of US'224).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-4, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over US'224 as applied on claim 1, and further in view of term definition for "stamping" on Wikipedia ([www.wikipedia.org](http://www.wikipedia.org)).

Regarding claims 2-4, and 12, US'224 teaches the workpiece is forcefully cold formed at substantially ambient temperature from non-hardened steel, such as by stamping and/or rolling techniques of conventional type, into the desired configuration (Col.4, lines 14-25 of US'224). The term definition for "Stamping" in Wikipedia is: "Stamping is a metalworking process by which sheet metal strips are punched using a press tool which is loaded on a machine press or stamping press to form the sheet into a desired shape... and the most common stamping operation are: piercing; fine blanking; bending; forming; coining; progressive stamping; deep drawing; embossing; and extrusion". Because stamping includes drawing (or deep drawing) method as

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recited in the instant claims, therefore, it would have been obvious to one skilled in the art to choose drawing (as claimed in the instant claim 12) or deep drawing (as claimed in the instant claim 2) to cold forming the workpiece because US'224 discloses the same utility throughout the disclosed stamping. Because stamping also includes extrusion technique, which is also known as a mechanical cutting (or trimming) method, therefore, it would have been obvious to one skilled in the art to choose trimming technique for cold forming as recited in the instant claims 3-4 in the process of US'244 in order to obtain the desired configuration (Col.4, lines 14-25 of US'224).

Claims 5, 7-9, are rejected under 35 U.S.C. 103(a) as being unpatentable over US'224 as applied on claim 1, and further in view of Bronsema et al (US 5,669,992, thereafter US'992)

Regarding claim 5, US'224 teaches using induction heat to treat the steel and quenching in quench tank unit to obtain desired hardening effect (Col.5, lines 9-20 of US'224). But US'224 does not specify being cooled with brine. However, it is within the ordinary skill in the art to choose different quenching solutions for getting desired hardening effect, which is evidenced by US'992. US992 teaches a method for manufacturing

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an automobile bumper beam (Col.1, lines 4-7 of US'992). US'992 teaches induction hardening method (Col.3, lines 25-46 of US'992). US'992 teaches using water solution containing various salts as quenching solution. Therefore, it would have been obvious to one skilled in the art to choose brine as a quenching solution as recited in the instant claim in the process of US'224 in order to obtain desired hardening effect as demonstrated in US'992.

Regarding claims 7 and 8, US'992 teaches: "The atmosphere chamber exposes the steel S to only inert gas during these functions to prevent oxidation and the formation of scales on the steel surface so that the bumper beam can be later painted, if desired." (Col.3, lines 30-34 of US'992).

Regarding claim 9, US'224 teaches using induction heat to treat the steel (Fig. 1-5 and Col.4, line 53 to col.5, line 20 of US'224), US'992 teaches induction heating furnace and US'922 teaches the bumper beam is treated continuously (Fig.1-3 and Col.3, lines 25-47 of US'992). Therefore, it reads on the claimed features.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jie Yang whose telephone number is 571-2701884. The examiner can normally be reached on IFP.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King can be reached on 571-2721244. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JY /Roy King/  
Supervisory Patent Examiner, Art Unit 1742